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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/528,638

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Sigmund Niklas

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11/12/2009

Ballard Spahr LLP

SUITE 1000

999 PEACHTREE STREET

ATLANTA, GA 30309-3915

EXAMINER

CAZAN, LIVIUS RADU

ART UNIT

PAPER NUMBER

3729

MAIL DATE

DELIVERY MODE

11/12/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/528,638	Applicant(s) NIKLAS ET AL.	
	Examiner LIVIOUS R. CAZAN	Art Unit 3729	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-6,8-13,17,19,21 and 22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-6,8-13,17,19,21 and 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/22/09</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The amendment filed on 6/22/2009 has been fully considered and made of record.

Claim Objections

2. Claims 3-6, 8-13, and 17, 19, 21, and 22 are objected to because of the following informalities: in claim 3, lines 3 and 4, "the substrate at" and "the substrate is" should read --the substrates at-- and --the substrates are--, respectively. Likewise in lines 2 and 3 of claim 10 and lines 3 and 4 of claim 17. In claim 17, penultimate line, "units comprises" should read --units comprising--.

3. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 3-6, 8-13, 17, 19, 21, and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. **Regarding claim 3**, the second and third paragraphs render the claims indefinite. In particular, the second paragraph requires a curing device having either i) processing units, or ii) control units. The third paragraph then recites that [the apparatus] further comprises a timer device for setting a time duration which corresponds to, *inter alia*, a) a processing time of a processing unit, or b) a control time of a control unit. This arrangement renders the claims indefinite, because, while claim 3

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is clear if i) and a) or ii) and b) are selected, it is unclear what happens when i) and b) or ii) and a) are selected, i.e. when the curing device only has processing units, yet the timer device has to set the time duration corresponding to a control unit, or, when the curing device has only control units, yet the timer device has to set the time duration corresponding to a processing time of a processing unit. The claim could be rewritten in the format I) i) and a), or II) ii) and b). In other words, all limitations directed to processing units should be presented together, followed by an alternative recitation directed strictly to the control units. **A similar issue arises in claim 10 (fourth through sixth paragraph).**

7. **Regarding claim 10**, the phrase "the curing device having a process time substantially exceeding the fitting time" (lines 7 and 8) lacks proper antecedent basis, as the preamble of the claim only refers to a curing device in which the adhesive is cured. The claim does not mention anything about a process time. **Similarly in lines 6 and 7 of claim 17**. In claim 17, the phrase also implies several curing devices are present, since "at least" the curing device having such a process time is connectable. Clarification of this claim language is requested, and omission of the phrase "at least" is suggested.

8. **Note:** The Examiner has attempted to identify all the issues under 35 U.S.C. 112, second paragraph. However, Applicant is respectfully asked to carefully review the claims upon correcting the identified issues, to ensure the claim language is consistent throughout and that no other issues remain. In particular, if any changes are made to

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the independent claims, Applicant is asked to also review the dependent claims, to ensure no inconsistencies are created due to the amendment.

Allowable Subject Matter

9. Claims 3-6, 8-13, and 17, 19, 21, and 22 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Response to Arguments

10. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to LIVIUS R. CAZAN whose telephone number is (571) 272-8032. The examiner can normally be reached on M-F 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, DERRIS H. BANKS can be reached on (571) 272-4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. Dexter Tugbang/
Primary Examiner
Art Unit 3729

/L. R. C./ 11/7/2009
Examiner, Art Unit 3729